

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

INCOME TAX REFERENCE NO. 170 OF 1996.

The Commissioner of Income-tax,
K-I, Bangalore.

... Applicant.

V/s.

Shri G.N. Agarwal (HUF), Margao. ... Respondent.

Shri Ashok Kotangale for the applicant.

Shri Nishant Thakker i/b Mulla & Mulla for the
respondent

CORAM : V.C.DAGA AND A.S.AGUIAR, JJ.

DATED : 11th July 2005.

P.C. :

. By this reference under section 256 of the
Income-tax Act, 1961, the Income Tax Appellate
Tribunal has referred the following question of law
for the opinion of this Court:

1. Whether, on the facts and in the
circumstances of the case, the I.T.A.T.
was right in law in holding that
weighted deduction u/s 35B would be
available in Marge Hire, Stevedoring
charges and Barge Crew Salary?"

. Learned counsel for the parties agreed that
the question referred to above is squarely covered
by the judgment of this Court in the case of **C.I.T.
vs. Walchadnagar Industries Ltd.** (2003) 262 ITR 212

(Bom.)

. In this view of the matter, for the reasons recorded in the in the aforesaid judgment, the above question is answered in the negative i.e. in favour of the revenue and against the assessee.

. Reference accordingly stands disposed of with no order as to costs.

(A.S.AGUIAR, J.)

(V.C.DAGA, J.)